

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

CHEVRON PUERTO RICO, LLC

Plaintiff

v.

JOSE L. PEREZ-ROSADO and HECTOR
PEREZ,

Defendants

CIVIL NO. 09-2080 (JP)

ORDER

Before the Court is Plaintiff Chevron Puerto Rico, LLC's ("Chevron") motion for contempt (**No. 10**). Plaintiff Chevron alleges that Defendants have failed to comply with the Court's Preliminary Injunction (No. 6) by refusing to surrender control of the gasoline service station located at 2810 Militar Avenue, Isabela, Puerto Rico (the "Station"). For the reasons stated herein, Plaintiff's motion is **GRANTED IN PART AND DENIED IN PART**.

In response to Plaintiff's motion for contempt, Defendant Jose L. Perez-Rosado ("Perez-Rosado") argues that he cannot surrender control of the Station because he does not have possession of the premises (No. 11).¹ Rather, Perez-Rosado asserts that Defendant

¹ Defendant Perez-Rosado's argument regarding the motion for contempt is included together with a motion (**No. 11**) for extension of time to answer the complaint, and to respond to Plaintiff's motion for contempt. In light of the Court's resolution of the motion for contempt, and Defendant Perez-Rosado's timely filing of his answer to the complaint (No. 12), the Court **FINDS AS MOOT** Defendant Perez-Rosado's motion for extension of time.

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Hector Perez is currently in control of the station and that Plaintiff Chevron accepted Hector Perez as the new franchisee in place of Defendant Perez-Rosado. Plaintiff Chevron alleges that it never granted franchisee status to Hector Perez, but rather granted only authorization to operate the Station, which did not relieve Defendant Perez-Rosado of his obligations under the agreements between the parties (No. 13).

In light of the factual controversy regarding Defendant Perez-Rosado's current role in relation to the Station, the Court **DENIES** Plaintiff's motion to find Defendant Perez-Rosado in contempt. However, the Court will enforce its prior Order to surrender control of the Station to Plaintiff (No. 6). Therefore, it is hereby

ORDERED:

1. The United States Marshal **SHALL** obtain immediate possession of the Texaco branded Service Station located at 2810 Militar Avenue, Isabela, Puerto Rico, and all movable and immovable property therein.
2. If necessary, the United States Marshal **SHALL** forcibly open the locks or door to the Station and evict Defendants Jose L. Perez-Rosado and/or Hector Perez and their agents and employees in order for Plaintiff Chevron to take possession of the Station.

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3. The United States Marshal **SHALL** transfer possession of the Station to Plaintiff Chevron immediately thereafter.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 14th day of December, 2009.

S/Jaime Pieras, Jr.

JAIME PIERAS, JR.

U.S. SENIOR DISTRICT JUDGE